

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

BLACK LOVE RESISTS IN THE RUST by and through its Co-Directors Natasha Soto and Shaketa Redden and on behalf of its members; DORETHEA FRANKLIN; TANIQUA SIMMONS; DE'JON HALL; JOSEPH BONDS; CHARLES PALMER; SHIRLEY SARMIENTO; EBONY YELDON; and JANE DOE, individually and on behalf of a class of all others similarly situated;

Plaintiffs,

v.

Civil No.: 1:18-cv-00719-CCR

CITY OF BUFFALO, NY; BYRON B. BROWN, Mayor of the City of Buffalo, in his individual and official capacities; BYRON C. LOCKWOOD, Commissioner of the Buffalo Police Department, in his individual and official capacities; DANIEL DERENDA, former Commissioner of the Buffalo Police Department, in his individual capacity; AARON YOUNG, KEVIN BRINKWORTH, PHILIP SERAFINI, ROBBIN THOMAS, UNKNOWN SUPERVISORY PERSONNEL 1-10, UNKNOWN OFFICERS 1-20, each officers of the Buffalo Police Department, in their individual capacities.

Defendants.

**STIPULATED MOTION FOR ADJOURNMENT
OF DEADLINES IN CASE MANAGEMENT ORDER**

The Parties respectfully move to amend the scheduling order to extend all deadlines by approximately one and a half months. The proposed schedule is as follows:

Deadline	Current Date	Modified Date
Completion of fact discovery	January 4, 2024	February 20, 2024
Motion to compel discovery	January 17, 2024	March 4, 2024

Deadline	Current Date	Modified Date
Class certification motion	February 5, 2024	March 21, 2024
Service of initial expert reports	February 5, 2024	March 21, 2024
Service of rebuttal expert reports	February 28, 2024	April 15, 2024
Completion of all expert discovery	March 18, 2024	May 2, 2024
Dispositive Motions	April 11, 2023	May 27, 2024

In support of this motion, the Parties state as follows:

1. Under the present schedule, the deadline for completion of fact discovery is January 4, 2024, and any accompanying motion to compel is January 17, 2024. The Court has set additional deadlines, leading to a dispositive motion deadline of April 11, 2024.
2. The Parties continue to proceed with depositions. With respect to plaintiff depositions, the Parties have completed the depositions of all plaintiffs.
3. Since the parties' last extension motion, they have continued to exchange paper discovery.
4. The only remaining party deposition left in this matter is a deposition to be taken of corporate representative(s) of the City of Buffalo pursuant to FRCP 30(b)(6). The City of Buffalo has designated former BPD Commissioner Daniel Derenda to testify on many of the topics listed in Plaintiff's 30(b)(6) notice. After spending many hours preparing for the 30(b)(6) deposition, the City has also determined that it will need to designate a handful of other witnesses who will be testifying as to discrete topics listed in Plaintiffs' 30(b)(6) notice.
5. Former Commissioner Derenda's 30(b)(6) deposition was scheduled for January 3rd and 4th of 2024. Former Commissioner Derenda has recently fallen ill with pneumonia, and the Parties have therefore adjourned his deposition.

6. Prior to his illness, Defendants spent numerous hours preparing former Commissioner Derenda to testify. Defendants have now also spent considerable time preparing other witnesses to testify on discrete topics listed in Plaintiffs' 30(b)(6) notice.

7. Given that multiple witnesses are going to testify on Plaintiffs' 30(b)(6) topics, the parties are attempting to reach a compromise as to the time and length for each 30(b)(6) witness to testify.

8. In addition to the 30(b)(6) deposition, which is the only remaining party deposition, on December 12, 2023, the Court granted Plaintiffs' motion for leave to take the deposition of non-party, the Buffalo Police Benevolent Association ("BPBA"). The Parties are also working with the BPBA and its attorneys to find a mutually agreeable date for the deposition of a BPBA witness. A BPBA witness could not be made available before the current January 4, 2024 deadline to complete fact discovery.

9. The Parties are working together to complete discovery as expeditiously as possible; however, due to the complex nature of the claims and defenses, and the breadth of FRCP 30(b)(6) topics that Plaintiffs have drafted, the Parties require additional time to complete the 30(b)(6) and BPBA depositions. Also, given the recent holidays and former Commissioner Derenda's work schedule and aforementioned illness, additional time for discovery is required.

10. Accordingly, the Parties respectfully request the modifications to the case management order as set forth in the table above.

11. The Parties thank the Court in advance for its consideration of this request.

Dated: Buffalo, New York
January 3, 2024

/s/ Peter A. Sahasrabudhe

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CERTIFICATE OF SERVICE

I hereby certify that on January 3, 2024, the above Stipulated Motion for Adjournment of Discovery Deadlines was filed with the Clerk of the Court and served in accordance with the Federal Rules of Civil Procedure, and/or the Western District's Local Rules, and/or the Western District's Case Filing Rules & Instructions upon all counsel registered through the ECF System.

/s/ Peter Sahasrabudhe